

**Introduced by Senators Benoit, Aanestad, Ashburn, Cogdill, Cox, Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, and Wyland**

(Coauthors: Assembly Members Conway, Cook, Gaines, Jeffries, Knight, Niello, and Silva)

June 1, 2009

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Senate Joint Resolution No. 12—Relative to criminal aliens.

LEGISLATIVE COUNSEL'S DIGEST

SJR 12, as introduced, Benoit. Criminal aliens.

This measure would urge Congress and the President to restore funding for the State Criminal Alien Assistance Program.

Fiscal committee: no.

- 1 WHEREAS, The federal government has a legal and moral  
2 obligation to keep our borders secure and, if it does not, it should  
3 pay the state the full cost of incarcerating undocumented criminal  
4 aliens; and  
5 WHEREAS, Federal law states that when a chief executive  
6 officer of a state submits a written request to the United States  
7 Attorney General for reimbursement the Attorney General will  
8 either enter into a contractual arrangement that provides for  
9 compensation to the state to incarcerate the undocumented criminal  
10 alien or take the undocumented criminal alien into the custody of  
11 the federal government(8 U.S.C. Sec. 1231); and  
12 WHEREAS, The State Criminal Alien Assistance Program was  
13 created in 1994 for the purpose of reimbursing states for the costs  
14 of incarcerating undocumented criminal aliens; and

1 WHEREAS, Federal law provides that the State Criminal Alien  
2 Assistance Program provide federal payments to states and  
3 localities that incur costs for incarcerating undocumented criminal  
4 aliens; and

5 WHEREAS, Twelve percent of California's current prison  
6 population is composed of undocumented criminal aliens, with  
7 each inmate costing the state \$48,536 each year; and

8 WHEREAS, In fiscal year 2008–09, it cost the State of California  
9 over \$970 million to house undocumented criminal aliens; and

10 WHEREAS, In fiscal year 2008–09 the State of California was  
11 reimbursed only \$111 million from the State Criminal Alien  
12 Assistance Program, making up only 11 percent of the total cost  
13 to house these undocumented criminal aliens; and

14 WHEREAS, The President of United States recently announced  
15 his intention to eliminate funding for the State Criminal Alien  
16 Assistance Program in fiscal year 2010; now, therefore, be it

17 *Resolved by the Senate and the Assembly of the State of*  
18 *California, jointly*, That the Legislature respectfully urges Congress  
19 and the President to restore funding for the State Criminal Alien  
20 Assistance Program; and be it further

21 *Resolved*, That the Legislature urges Congress and the President  
22 to adequately fund the State Criminal Alien Assistance Program  
23 to fully reimburse states for the full cost of incarcerating  
24 undocumented criminal aliens; and be it further

25 *Resolved*, That the Secretary of the Senate transmit copies of  
26 this resolution to the President and Vice President of the United  
27 States, to the Speaker of the House of Representatives, to the  
28 Majority Leader of the Senate, and to each Senator and  
29 Representative from California in the Congress of the United  
30 States.